



Appeal Decision

Site Visit made on 2 June 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 03 August 2021

Appeal Ref: APP/A1910/W/21/3268495

Land at Laurel Bank, Hemel Hempstead HP3 0NX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Hemel Hempstead Property Co (Apsley) Ltd against the decision of Dacorum Borough Council.
 - The application Ref 20/01126/FUL, dated 11 May 2020, was refused by notice dated 5 October 2020.
 - The development proposed is the construction of a bungalow with associated access, parking, and landscaping
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of a bungalow with associated access, parking, and landscaping at Land at Laurel Bank, Hemel Hempstead HP3 0NX in accordance with the terms of the application, Ref 20/01126/FUL, dated 11 May 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5377 21A and 5377 22A
 - 3) Prior to the commencement of development, an Archaeological Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - (a) The programme and methodology of site investigation and recording.
 - (b) The programme for post investigation assessment.
 - (c) Provision to be made for analysis of the site investigation and recording.
 - (d) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
 - (e) Provision to be made for archive deposition of the analysis and records of the site investigation.
 - (f) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.Development shall be carried out in accordance with the approved details

Procedural Matter

2. The Government published the latest version of the National Planning Policy Framework (the Framework) on the 20 July 2021. However, given the issues

raised in this appeal, I do not believe it would cause prejudice to any party to proceed with reference to the new Framework.

Main Issue

3. The main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

4. The appeal site consists of part of a grassed area to the side of Laurel Bank. The surrounding area is characterised by the presence of residential accommodation. Laurel Bank contains several different houses, however, other streets within the surrounding area contain a variety of different dwelling types.
5. The proposed development would result in the loss of part of the open space, however, the evidence before me is not indicative that the development would result in a loss of space where outdoors recreation by the public might take place.
6. In addition, whilst a section of the space would be removed, a large proportion would be retained to the side of the proposed development. This would ensure that the more open character of this section of Laurel Bank is retained post development.
7. Although the proposed development would be of a bungalow, the remainder of Laurel Bank contains houses constructed to varying designs and proportions. In addition, the neighbouring streets contain a variety of house types, including bungalows. Laurel Bank also contains several, single-storey detached garages. In result, the proposed development would not appear to be incongruous given that it would be viewed against a backdrop of varying buildings.
8. The proposed bungalow would have a relatively long length. However, dwellings in Laurel Bank are constructed to different masses and designs. This means that the development would not appear to be divergent within this context. In addition, the dwellings in Laurel Bank, when taken as a whole, are set back from the highway by varying amounts. In result, the proposed development would not erode the character of the area.
9. The proposed development would, include to the side, a garden with landscaping. These measures, when combined, would aid in the retention of Laurel Bank's verdant character.
10. In addition, owing to the road layout and the pattern of existing development, the proposed bungalow would be relatively well-screened, particularly from those vantage points further away from the site. This lack of prominence would mean that the proposal would not be unduly strident.
11. Whilst I note, in the Council's Committee Report, a request for a completed legal undertaking to ensure that the remainder of site remains free from development, no such legal agreement is before me. However, for the foregoing reasons, I do not believe that the proposed development would cause harm to the character of the surrounding area.
12. Furthermore, given that it is incumbent upon local planning authorities to assess each application on its merits, I do not believe that this appeal decision

would prevent the Council from undertaking a full and thorough assessment of any future development proposal. Therefore, such a legal agreement would not meet the statutory test of reasonableness.

13. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. The development, in this regard, would comply with the requirements of Policies CS11 and CS12 of the Dacorum Core Strategy (2013). Amongst other matters, these require that developments respect the typical density intended in an area and enhance spaces between buildings and general character; avoid visual intrusion; and respect adjoining properties in terms of layout.

Conditions

14. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision. The Council suggested a condition requiring the carrying out of archaeological investigation. I consider that this condition is necessary to ensure the investigation into this matter given that the site is currently undeveloped. Therefore, there is the potential for finds of archaeological significance.
15. However, given the likely timing of such investigations, I am unpersuaded that such details can be agreed after development has commenced. Therefore, I have amended the condition so that the Council can agree these details prior to the commencement of development.
16. The Council has suggested a condition requiring the agreement of a landscaping strategy for the undeveloped portion of land within the control of the appellant. However, given that I found that the proposed development would not harm the character and appearance of the surrounding area, there is not a demonstrable need to secure enhancements to other areas of land. In consequence, such a condition would not comply with the statutory test of reasonableness.

Conclusion

17. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted, subject to conditions.

Benjamin Clarke

INSPECTOR